



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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FEB 13 2004

Rini Ghosh
Surface Transportation Board
Case Control Unit
1925 K Street, NW
Washington, DC 20423-0001

FD 34284

Consultation # 2-15-03-I-0276

Dear Ms. Ghosh:

This responds to your January 28, 2004, request for comments from the U.S. Fish and Wildlife Service (Service) related to the Southwest Gulf Railroad Company construction of a 7-mile (11-kilometer) rail line near Dunlay, Medina County, Texas. The Surface Transportation Board (STB) Finance Docket No. is 34284. The rail line will connect the proposed Vulcan Materials, Inc. (Vulcan) limestone quarry to the existing Union Pacific Del Rio subdivision.

In our April 22, 2003, letter, we expressed concern that the proposed project may impact two endangered species, the golden-cheeked warbler (*Dendroica chrysoparia*) and the black-capped vireo (*Vireo atricapillus*). We requested a habitat assessment and, if applicable, surveys be to done particularly of the "straight loading track option". This option appears to be on or adjacent to the quarry site. We cannot determine from aerial photos if this area may support one or both of these species. Following this letter, we spoke with Rusty Mase, a consultant representing the project proponent and recommended he speak with Dr. Darrell Brownlow, a geologist representing Vulcan, and obtain biological survey information from the Vulcan quarry to help determine if additional surveys by STB are necessary. As of the date of this letter, we have not received any additional information addressing our concerns.

If assessments indicate that suitable habitat is likely to be affected either directly or indirectly, we recommend that STB consult with us further. If impacts cannot be avoided, we recommend that STB pursue formal consultation through section 7 of the Endangered Species Act of 1973, as amended. Section 7 requires that all federal agencies consult with the Service to ensure that the actions authorized, funded, or carried out by such agencies do not jeopardize the continued existence of any threatened or endangered species or adversely modify or destroy critical habitat of such species. It is the primary responsibility of STB, as the federal action agency, to determine whether any action it authorizes, funds, or carries out may affect a federally listed or proposed species.

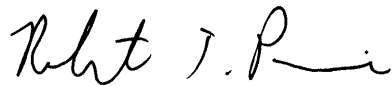
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Ms. Ghosh

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Thank you for the opportunity to comment on the proposed project. Contact Jana Milliken at 512-490-0057, extension 243 with any additional questions or comments. Please refer to the consultation number listed above in all future correspondence with this office.

Sincerely,

A handwritten signature in black ink, appearing to read "R. T. Pine". The signature is fluid and cursive, with the first name "Robert" and last name "Pine" clearly distinguishable.

Robert T. Pine
Supervisor

Cc: Terence N. Martin – Office of Environmental Policy and Compliance
Stephanie Nash – Branch of Federal Activities